

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

<b>FRANCISCAN ALLIANCE, INC., et al.,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	
<b>v.</b>	§	<b>Civil Action No. 7:16-cv-00108-O</b>
	§	
<b>ALEX M. AZAR II, Secretary of the United States Department of Health and Human Services; and UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,</b>	§	
	§	
<b>Defendants.</b>	§	

**FINAL JUDGMENT**

The Court issued its Order granting Putative Intervenor's Motion to Intervene and partially granting Plaintiffs' Motions for Summary Judgment (ECF No. 175). It is therefore **ORDERED, ADJUDGED, and DECREED** that Putative Intervenor's Motion to Intervene (ECF No. 129) should be and is hereby **GRANTED**. It is **further ORDERED** that Plaintiffs' Motions for Summary Judgment (ECF Nos. 132, 135) are hereby **GRANTED in part**.

The Court **SEVERES** Plaintiffs' APA and RFRA claims from their Title VII, Spending Clause, First Amendment, Tenth Amendment, and Eleventh Amendment claims. The Court **ADOPTS** the reasoning from its December 31, 2016 Order granting Plaintiffs' request for a preliminary injunction (ECF No. 62) and now **HOLDS** that Nondiscrimination in Health Programs & Activities ("the Rule"), 81 Fed. Reg. 31376 (May 18, 2016), codified at 45 C.F.R. § 92, violates the APA and RFRA and enters this Final Judgment on those claims. Accordingly, the Court **VACATES and REMANDS** the Rule for further consideration.

**SO ORDERED** on this **15th day of October, 2019**.

  
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Reed O'Connor  
UNITED STATES DISTRICT JUDGE